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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/28/2006

Petrus Hendrikus De Been

2001-1425

4105

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03/12/2009

YOUNG & THOMPSON

209 Madison Street

Suite 500

ALEXANDRIA, VA 22314

EXAMINER

JENNINGS, STEPHANIE M

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

03/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,368	DE BEEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephanie Jennings	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-18, 20-22 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18, 33, 36 and 37 is/are allowed.
- 6) ☒ Claim(s) 22, 24-32, 34, and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see page 2, filed January 16, 2009, with respect to the specification have been fully considered and are persuasive. The objections of October 16, 2008 have been withdrawn.
2. Applicant's arguments, see page 12, filed January 16, 2009, with respect to figures 2, 4, and 6 have been fully considered and are persuasive. The objections of October 16, 2008 have been withdrawn.
3. Applicant's arguments, see page 16, filed January 16, 2009, with respect to claims 18, 21, 22, and 24 have been fully considered and are persuasive. The rejections of October 16, 2008 have been withdrawn.
4. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claims 27-29 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The thickness of the element is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*,

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527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Support is not provided in the specification for the narrowing the thickness range of the element.

***Specification***

7. Amendments to the specification have been reviewed and accepted as being in compliance.

***Drawings***

8. The drawings were received on January 16, 2009. These drawings are acceptable.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

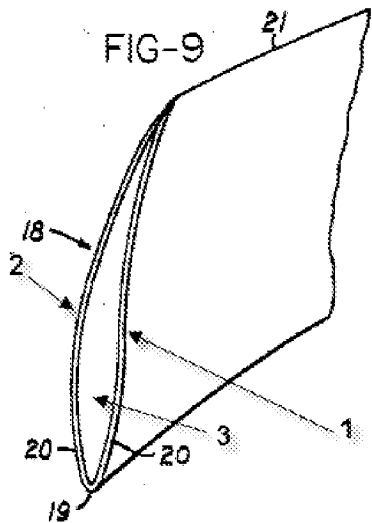
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 22, 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Clarke US Patent No. 3,057,393.

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11. Clarke anticipates:



12. Limitations from claim 22, wing-shaped element (figure 9 above) produced in accordance with the method according to claim 16, comprising: a front edge (19); an arched bottom panel (1--added by examiner); and an arched top panel (2--added by examiner), wherein the bottom panel (1) and the top panel (2) extend apart by a distance (3—added by examiner) between the front edge (19) and free rear ends (21) of each of the bottom panel (1—added by examiner) and the top panel (2—added by examiner), wherein a section (figure 9) has a portion (3—added by examiner) extending between the bottom panel (1) and the top panel (2), and wherein surfaces (1, 2) are provided on the portion (3) facing away from one another in accordance with a run of the bottom panel (1) and the top panel (2) (column 1. lines 66-71).

13. Limitations from claim 25, the element according to claim 22, wherein the surfaces (1,2) of the portion (3) run obliquely with respect to one another in accordance with the run of the bottom panel (1) and the top panel (2).

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14. Limitations from claim 26, the element according to claim 22, wherein the bottom panel (1) and the top panel (2) are fixed directly to one another (figure 9).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke as applied to claim 22 above, and further in view of Griffith et al. US Patent No. 4,531,270.

17. Clarke teaches a method of fabricating a blade blank via formation around a fitted mandrel, but does not specify thickness ranges or a type of sheet material. Griffith does teach these features.

18. Limitations from claim 27, the element according to claim 22, wherein the bottom panel and the top panel each have a thickness in the range of 0.8 - 2.0 mm (column 5, lines 24-27).

19. Limitations from claim 28, the element according to claim 27, wherein the thickness is in the range of 1.4 - 1.6 mm (column 5, line 33).

20. Limitations from claim 29, the element according to claim 27, wherein the thickness is approximately 1.6 mm (column 5, line 33).

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21. Limitations from claim 30, The element according to claim 22, wherein the bottom panel (1) and the top panel (2) consists of a material selected from the group consisting of Al, Ti, Sc, Cu, Mg, Li, steel, and stainless steel (column 5, lines 11-14).

22. Limitations from claim 31, The element according to claim 22, wherein the bottom panel (1) and the top panel (2) consists of an alloy of two or more of Al, Ti, Sc, Cu, Mg, and Li (column 5, lines 11-14).

23. Limitations from claim 32, The element according to claim 22, wherein the bottom panel (3) and the top panel (4) consists of any of Al, Ti, Sc, Cu, Mg, Li, steel, and stainless steel (column 5, lines 11-14).

24. It would have been obvious at the time of invention for one of ordinary skill in the art to combine Griffith's invention with Clarke's inventions because it is known in the art to manufacture alloys out of lightweight alloys. Additionally, the 0.2 mm-increased thickness is an obvious design modification of Griffith's invention, since Griffith's invention is capable of function at different thicknesses.

25. Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke.

26. Clarke teaches joining the free ends of the panels of the workpiece, but does not explicitly disclose joining the ends with rivets. However, it would have been obvious to one of ordinary skill in to join sheet metal with rivets as it is well-known in the art to use rivets as a junction means.

27. Limitations from claim 24, the element according to claims 22, wherein the bottom panel (1) and the top panel (2) and the portion (3) are fixed to one another (column 1, lines 8-13).

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28. Limitations from claim 34, the element according to claim 24, wherein the bottom panel (1) and the top panel (2) and the portion (3) are fixed to one another by rivets (column 1, lines 8-13).

*Allowable Subject Matter*

29. Claims 16-18, 33, 36, and 37 are allowed.

30. The following is an examiner's statement of reasons for allowance: neither Clarke US Patent No. 3,057,393 (Clarke '393) nor Clarke US Patent No. 3,045,327 (Clarke '327) teach all of the limitations in claim 16 individually or in combination. Clarke '327 fails to teach or suggest a step of pressing a blank with a former between a rubber mat and bottom block to produce the semi-finished product as set forth in Claim 16; Clarke '393 also fails to teach these limitations in combination with Clarke '327. Additionally, a search in subclasses 72/379.2 and 29/889.7 failed to find art that teaches the limitations individually and/or in combination as set forth in claim 16. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Jennings whose telephone number is (571) 270-7392. The examiner can normally be reached on Monday-Thursday, 7 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. J./  
Examiner, Art Unit 3725  
March 10, 2009

/Dana Ross/  
Supervisory Patent Examiner, Art Unit  
3725